

Filed 10/18/11 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2011 ND 198

Morris Tarnavsky, Plaintiff and Appellee

and

Roger Cymbaluk, Court Appointed Receiver of the
Mary E. Tarnavsky Irrevocable Trust, Appellee

v.

Edward Tarnavsky, Personally and as
Trustee of the Mary E. Tarnavsky
Irrevocable Trust, Defendant and Appellant

and

Janet L. Bishop, Defendant

No. 20100407

Edward J. Tarnavsky, Plaintiff and Appellant

v.

Ron Rankin, Sheriff of McKenzie County,
personally and in his professional capacity, Defendant and Appellee

No. 20110027

The Union Bank, Plaintiff and Appellee

v.

Edward Tarnavsky, Defendant and Appellant

and

Morris Tarnavsky and Vonne Tarnavsky, Defendants

Appeals from the District Court of McKenzie County, Northwest Judicial District, the Honorable David W. Nelson, Judge.

AFFIRMED AND REMANDED.

Per Curiam.

David Allan Tschider, 418 East Rosser Avenue, Suite 200, Bismarck, N.D. 58501-4046, for plaintiff and appellee Morris Tarnavsky.

Kent A. Reiersen, P.O. Box 1206, Williston, N.D. 58802-1206, for appellee Roger Cymbaluk.

Sandra Lynn Voller (argued) and Scott Kenneth Porsborg (appeared), P.O. Box 460, Bismarck, N.D. 58502-0460, for defendant and appellee Ron Rankin.

Kasey Duane McNary (argued) and Timothy George Richard (on brief), P.O. Box 6017, Fargo, N.D. 58108-6017, for plaintiff and appellee The Union Bank.

Edward J. Tarnavsky, 12951 8th Street Northwest, Grassy Butte N.D. 58634; self-represented.

Tarnavsky v. Tarnavsky
Nos. 20100407, 20110027 & 20110061

Per Curiam.

[¶1] In consolidated appeals, Edward Tarnavsky appealed from the district court's orders denying his motions in the underlying cases which sought relief under N.D.R.Civ.P. 60(b). On appeal, Tarnavsky argues that "the court ha[s] an appearance of impropriety" in the underlying cases sufficient to warrant reversal. Tarnavsky also argues the court abused its discretion in one underlying case by awarding payment to creditors directly from Tarnavsky's trust income and by directing the receiver to grant easements from the trust. We affirm under N.D.R.App.P. 35.1(a)(1).

[¶2] The appellees seek various sanctions on appeal based on Tarnavsky's frivolous appeals. We award double costs on appeal to the appellees. To the extent the various appellees wish to pursue additional sanctions, we remand to the district court and authorize the court in its discretion to determine and award reasonable attorney's fees for the appeals and to consider the appellees' requested injunctive relief.

[¶3] Gerald W. VandeWalle, C.J.
Dale V. Sandstrom
Daniel J. Crothers
Mary Muehlen Maring
Carol Ronning Kapsner